

## **REMARKS**

This is in response to the Office Action dated July 3, 2003. The Office Action first rejected claims 1, 5-9, 11 and 13 under 35 U.S.C. §102(b) as being anticipated by PCT Patent Application to Hays et. al having International Publication Number WO 95/26113 ("Hays"). The Office Action also rejected claims 10 and 12 under 35 U.S.C. §103(a) as being unpatentable over Hays in view of U.S. Patent No. 5,502,721 to Pohajakallio et. al ("Pohajakallio"). The Office Action also rejected claims 1, 5-10 and 12 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,748,104 to Argyroudis et. al ("Argyroudis"). Finally, the Office Action rejected claims 1 and 11 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,161,016 to Yarwood et. al ("Yarwood").

To more particularly point out and distinctly claim the invention, applicants have amended claim 1 and have added claims 14-20. Claims 1 and 5-20 remain under consideration.

### **102(b) Rejection**

The Office Action first rejected claims 1, 5-9, 11 and 13 under 35 U.S.C. §102(b) as being anticipated by Hays. To more particularly point out and distinctly claim the invention, applicants have amended claim 1. In order for a claim to be anticipated by a reference under 35 U.S.C. §102, all elements of the claim must be taught or disclosed by that reference.

**Claim 1:** In regards to the rejection of claim 1, the Office Action states that the Abstract; page 3, line 18 – page 4 line 3; page 6 line 15 – page 7, line 5; and "entire" (presumably referring to the entire text of the reference) each disclose all the elements of claim 1. Applicants assert however that these cited sections do not teach the elements of claim 1. As amended, claim 1 states:

"1. A method of establishing a transmission to mobile station via a radio network, the method comprising:  
providing a paging message to the mobile station;  
providing an indication of a radio service requirement to the mobile station,

wherein said paging message comprises the indication of the radio service requirement, and

wherein said radio service requirement comprises an indication of a desired amount of at least a first network resource.”

5           The Hays reference teaches, in general, various aspects of a mobile unit having both a mobile telephone and a paging device. The paging device of the Hays reference is not a paging system of the type used in a mobile telephone to establish a voice or data transmission. More particularly, none of the cited passages of Hays teach the element of that claim as amended of “providing an indication of a radio service  
10 requirement to the mobile station, wherein said paging message comprises the indication of the radio service requirement, and wherein said radio service requirement comprises an indication of a desired amount of at least a first network resource.”

          The Abstract simply teaches, in a telecommunication system, transmitting messages via a cellular phone channel and a paging channel to a mobile unit having  
15 both a mobile telephone and a page receiver. When the system receives a data message for a subscriber from a calling device, the message is routed to a mobile telephone switching office via a central switching office. The Abstract also teaches sending a data message and a paging message to the mobile unit and, if the system is unable to deliver the message to the mobile telephone, it can store the message. The  
20 system can then send an indication that a message is awaiting delivery. The Abstract does not teach providing a paging message containing a radio service requirement and, especially, does not teach providing such a message when the radio service requirement comprises an indication of a desired amount of a network resource. Therefore, the abstract does not anticipate claim 1.

25           Page 3, line 18 – page 4 line 3 of the Hays reference also does not teach the aforementioned claim element of claim 1. This passage teaches a method including the steps of:

30           “receiving at a central station digital data for a subscriber, attempting to deliver the digital data to a subscriber mobile unit via a cellular channel, determining that the attempt . . . was not successful, storing the digital data in a memory. . . , transmitting a . . . page message to the mobile unit via a paging channel, and

retrieving by the mobile unit . . . said digital data from said memory . . . upon receipt of said predetermined page message.”

This passage then discusses various benefits of the above method. However, at no point in this passage does the Hays reference teach providing a paging message containing a radio service requirement and, especially, does not teach providing such a message when the radio service requirement comprises an indication of a desired amount of a network resource. Therefore, this passage does not anticipate claim 1.

Page 6 line 15 – page 7, line 5 of the Hays reference also does not teach the aforementioned claim element of claim 1. Instead, this passage simply further describes a mobile unit having a mobile telephone and a pager and describes the physical attributes of each as well as the general functionality of the telephone and pager. In regards to messages received by the telephone and the pager of Hays, this passage only states that “data messages can be received by either mobile telephone 20 or pager 21 of mobile unit 19” and further states that “radio pager 202 converts paging signals received from RF antenna 200 into data signals representing a page message. This message can be, for example, a short message, such as an indication that a message is waiting or an instruction to turn on the mobile telephone, or a longer message, such as data message sent by a caller. However, at no point in this passage does the Hays reference teach providing a paging message containing a radio service requirement and, especially, does not teach providing such a message when the radio service requirement comprises an indication of a desired amount of a network resource. Therefore, this passage does not anticipate claim 1.

The Office action also states that “entire” anticipates claim 1, presumably referring to the entire Hays reference. However, after a careful review of the entire reference, at no place are all the elements of claim 1 disclosed. If the Office believes otherwise, it is respectfully suggested that passages showing the elements of claim 1 be pointed out with particularity.

For the foregoing reasons, none of the cited passages of Hays anticipate claim 1. Therefore, it is respectfully suggested that claim 1 is allowable over the Hays reference. Accordingly, claims 5-12 are allowable over Hays as being dependent upon an allowable base claim.

**Claim 13:** The Office Action also rejects independent claim 13 as being anticipated by the Hays reference and specifically points out the Abstract; page 3, line 18 – page 4 line 3; page 6 line 15 – page 7, line 5; as well as the entire reference. However, the only difference between independent claim 1 and amended independent

5 claim 13 is that the indication of the radio service requirement of claim 13 is provided at a different time than the paging message. As discussed, Hays at no place teaches providing a paging message containing a radio service requirement and, especially, does not teach providing such a message when the radio service requirement comprises an indication of a desired amount of a network resource.

10 Therefore, for the foregoing reasons, none of the cited passages of Hays anticipate claim 13. Accordingly, it is respectfully suggested that claim 13 is allowable over the Hays reference. Newly added claims 14-20 are identical to claims 5-12 other than the fact that claims 14-20 depend upon claim 13. Accordingly, claims 14-20 are allowable over Hays as being dependent upon an allowable base claim.

15 **102(e) Rejections of Claim 1**

The Office Action also rejected claim 1, as well as other claims, under 35 U.S.C. §102(e) as being anticipated by Argyroudis (in the Abstract; at column 3, lines 9-22; at column 8, line 45 – column 9, line 2; and in the entire reference generally) and Yarwood

20 (in the Abstract; at column 1, lines 36-49; at column 3, lines 19; at column 3, lines 35-65; and in the entire reference generally). Once again, in order for a claim to be anticipated by a reference under 35 U.S.C. §102, all elements of the claim must be taught or disclosed by that reference.

25 **Argyroudis Reference:** The Argyroudis reference teaches various aspects of a mobile remote telemetry system. As disclosed in the Abstract this system provides real-time reading and control of remote devices. In one embodiment, this telemetry system uses wireless communications to measure electrical power consumption of a population of customers. A remote metering unit is used to transmit various messages to a central

30 controller over existing wireless communication systems. The central controller, in turn, transmits messages to the remote metering unit over a paging channel. As taught by Argyroudis, the aforementioned communications may take place in half- or full-duplex mode.

Column 3, lines 9-22 of this reference teaches substantially the same aspects of the present invention, and further clarifies that the central controller performs a scheduling function (sets the "reporting interval of the remote metering units") and acknowledges receipt of messages from the remote metering units. This passage of the  
5 Argyroudis reference also teaches that the central controller may send and receive other messages, such as utility consumption readings and fault status indications.

Column 8, line 45 – column 9, line 2 of the Argyroudis reference teaches that multiple remote metering units each use a unique code to identify itself to the central controller and request packet service on a random access channel. This passage also  
10 teaches that, in response to this service request, the base station assigns a receiver to the requesting station and acknowledges the request on the paging channel. The remote metering unit then sends the data packet to the central controller. This passage of Argyroudis also teaches that, in the case where the remote metering unit demands bandwidth exceeding a threshold, the base station would send a message assigning the  
15 remote metering unit to a dedicated traffic channel.

It is respectfully suggested that none of the cited passages in the Argyroudis reference teach the elements of either original claim 1 or amended claim 1. Specifically, none of these passages cite providing a paging message containing a radio service requirement wherein the radio service requirement comprises an indication of a desired  
20 amount of a network resource. In fact, while the passage beginning in column 8 at line 45 cites a method of assigning a dedicated channel to a remote metering unit, this passage does not teach forwarding an indication of a desired amount of a network resource from the base station to the remote metering unit.

Once again, the Office action states that "entire" anticipates claim 1, presumably  
25 referring to the entire Argyroudis reference. However, applicants cannot locate any passage within the Argyroudis reference that teaches or discloses all of the elements of claim 1. If the Office believes otherwise, it is respectfully suggested that passages showing the elements of claim 1 be pointed out with particularity.

Therefore, for the foregoing reasons, none of the cited passages of Argyroudis  
30 anticipate claim 1. Accordingly, it is respectfully suggested that claim 1 is allowable over the Argyroudis reference. It follows that claims 5-12 are allowable over Argyroudis as being dependent upon an allowable base claim.

**Yarwood Reference:** The Office Action The Yarwood reference teaches various aspects of a cellular radio system wherein calls may be broadcast from a control center (e.g., an emergency service controller) or from any mobile unit to all of the others. As disclosed in the Abstract, each cell in the system allocates a single channel to the  
5 broadcast service regardless the number of mobile units in the cell. In one embodiment, no channel is allocated to a cell unless one mobile unit responds to a paging signal in that cell. Paging in this system may continue in order to permit a channel to be established when a mobile unit enters a previously unoccupied cell or all mobile units leave an occupied cell. As taught by the Abstract, this system may be implemented  
10 (overlaid) onto an existing cellular radio system in a way such that other users who do not receive the broadcast service are not affected by the overlaid system.

Column 1, lines 36-49 of the Yarwood reference teaches that, as a mobile unit leaves one cell and enters another, a handover is used to maintain communications without interruption. This is well-known in the art. This passage also teaches that such  
15 handovers allow the release of resources in the previous cell (e.g., the one that the mobile unit is leaving) to be reused by another mobile unit. This is also well-known. This passage of Yarwood also teaches each mobile unit can connect to other mobile units or to a terminal on an interconnected fixed network such as a PSTN network. Finally, this passage teaches that, when a call is set up, the mobile unit is assigned a  
20 channel that can be defined by frequency or timeslot which, for the duration of the assignment, only that mobile can use.

The Office Action next refers to column 3, lines 19 and column 3, lines 35-65 of the Yarwood reference as anticipating claim 1. Applicants are uncertain as to the meaning of "column 3, lines 19" and, therefore, will assume for thoroughness' sake that  
25 the Office Action intended to cite column 3, lines 19-65 in their entirety as anticipating claim 1.

Column 3, lines 19-65 of the Yarwood reference first teach that the system in that reference can accommodate a broadcast service (also referred to in Yarwood as an "all-informed service") where, for example, one mobile unit can broadcast to all other mobile  
30 units in the system and that the broadcast can be limited by geographic region. This passage also teaches that it could exemplarily be possible for such a system to support a plurality of such broadcasts to different groups of mobile units, possibly by relying upon different base stations for each broadcast in the plurality. This passage of Yarwood further teaches that conventional mobile radio handsets may be used. Where the

broadcast is initiated by paging, the mobile handsets may have the ability to allow them to respond to a special paging signal. Alternatively, the system may only broadcast to mobile units that match an identification code such as, for example, a code stored in a look up table. This passage also discloses that, where a single channel is allocated to the broadcast system, it is advantageous for mobile units to be able to monitor the broadcast channel where they are operating on another channel. In such an embodiment, this passage teaches that the mobile units may switch to the broadcast channel when traffic is present. Other aspects taught include the ability, in a broadcast channel, to inhibit multiple mobile units from broadcasting simultaneously as well as to inhibit reception by a mobile unit when it is transmitting on the broadcast channel.

It is respectfully suggested that none of the cited passages in the Yarwood reference teach the elements of either original claim 1 or amended claim 1. More particularly, none of the cited passages of Yarwood teach the element of that claim as amended of "providing an indication of a radio service requirement to the mobile station, wherein said paging message comprises the indication of the radio service requirement, and wherein said radio service requirement comprises an indication of a desired amount of at least a first network resource."

The Office Action again states that "entire" anticipates claim 1, presumably referring to the entire Yarwood reference. However, applicants cannot locate any passage within the Yarwood reference that teaches or discloses all of the elements of claim 1. Once again, if the Office believes otherwise, it is respectfully suggested that passages showing the elements of claim 1 be pointed out with particularity.

Therefore, for the foregoing reasons, none of the cited passages of Yarwood anticipate claim 1. Accordingly, it is respectfully suggested that claim 1 is allowable over the Yarwood reference. It follows that claims 5-12 are allowable over Yarwood as being dependent upon an allowable base claim.

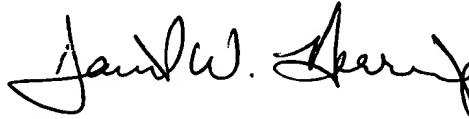
#### **Conclusion:**

In summary, applicants have amended claims 1 and 13 and have added claims 14-20. No new matter has been introduced in the amendment to claim 1 or claim 13, nor has any new matter been introduced into newly added claims 14-20. The amendment to claims 1 and 13 added the limitation that "the radio service requirement comprises an indication of a desired amount of at least a first network resource." Support for this aspect can be found at page 3, line 30 – page 4, line 1 of the present application where

it is clearly disclosed that the radio resource requirement is, for example, "an indication that a cell having a bandwidth of 2 MB" is required to transmit the message.

Accordingly, for the forgoing reasons, it is respectfully requested that all rejections be removed and that claims 1 and 5-20 be allowed.

Respectfully,



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